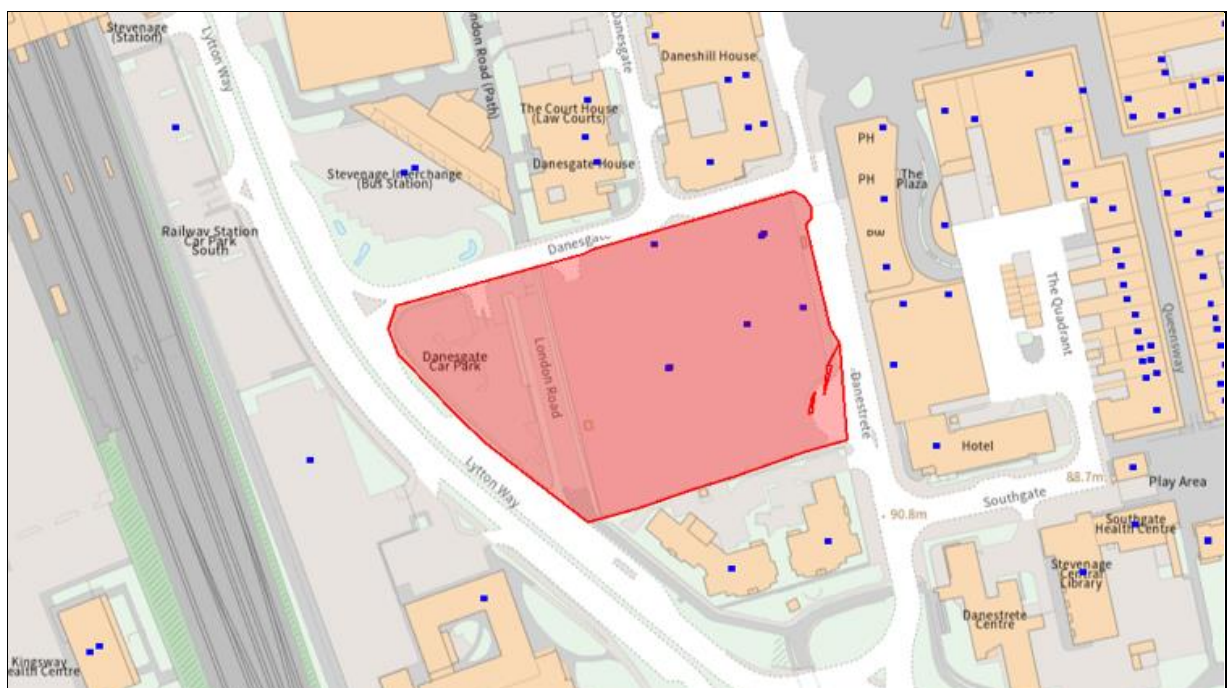


Meeting: Planning and Development Committee
Agenda Item:
Date: 28 October 2025
Author: Ailsa Davis
Lead Officer: James Chettleburgh
Contact Officer: Ailsa Davis

Application No:	25/00648/RMM
Location:	Matalan, Unit B-C, Danestrete, Stevenage
Proposal:	Section 73 amendment application to planning permission ref. 20/00643/RMM relating to changes to building heights and internal configuration of phase 2 of the approved development.
Drawing Nos.:	A(91)E0-000; A(91)E0-001; A(91)E0-002; A(91)E0-003; A(91)E0-004; A(GA)E0-100; A(GA)E0-101; A(GA)E0-102; A(GA)E0-103; A(GA)E0-104; A(GA)E0-105; A(GA)E0-106; A(GA)E0-107; A(GA)E0-108; A(GA)E0-109; A(GA)E0-110; A(GA)E0-111; A(GA)E0-112; A(GA)E0-113; A(GA)E0-114; A(GA)E0-115; A(GA)E0-116; A(GA)E0-117; A(GA)E0-118; A(GA)E0-119; A(GA)E0-120; A(GA)E0-121; A(DET)E0-500; A(DET)E0-501; A(DET)E0-502; A(DET)E0-503; A(DET)E0-504; A(DET)E0-505; A(DET)E0-506; A(DET)E0-507; A(DET)E0-508; A(DET)E0-509; A(DET)E0-510; A(DET)E0-511; A(DET)E0-512; A(DET)E0-513; A(GA)E0-300; A(GA)E0-301; A(GA)E0-302; A(GA)E0-306; A(GA)E0-307; A(GA)E0-305; A(GA)E0-310; A(GA)E0-304; A(GA)E0-311; A(GA)E0-303; A(GA)E0-309; A(GA)E0-308; A(GA)E0-201; A(GA)E0-202; A(GA)E0-203; A(GA)E0-400; A(GA)E0-402; A(GA)E0-401; A(GA)E0-403; A(DET)E0-600
Applicant:	Thirdi Property PTY Ltd
Date Valid:	25 August 2025
Recommendation:	GRANT PLANNING PERMISSION



The above plan is for illustrative purposes only.

1 SITE DESCRIPTION

- 1.1 The application site comprises the balance of the land previously occupied by the former Matalan retail store and the car park to the west. The site is located on the west side of Danestrete, bordered by Danesgate to the north and Lytton Way to the west. The site adjoins the Council Offices and Magistrates' Court to the north separated by Danesgate. To the west on the opposite side of Lytton Way is the Police Station. To the south, the site adjoins Pinetree Court, a residential block of retirement flats. To the east, on the opposite side of Danestrete, is the Plaza development which contains a number of leisure/food and drink units. To the south of this is the Holiday Inn hotel. The site is located to the east (opposite) the area for the major Town Centre regeneration scheme known as SG1 for which outline planning permission was granted in May 2023.

2 RELEVANT PLANNING HISTORY

- 2.1 Outline Planning Permission was granted by Stevenage Borough Council (SBC) with all matters reserved on 19 October 2017, with the following description of development (ref. 14/00559/OPM):

Application for outline permission for residential development of up to 526 residential apartments and commercial units Class A1 (retail) A2 (professional and financial) A3 (restaurant) and A4 (drinking establishments) and A5 (hot food take away) with associated access, parking and landscaping following demolition of existing buildings.

- 2.2 A Reserved Matters Application (RMA) was submitted in October 2020 including details of all reserved matters (access, appearance, layout, landscaping and scale) under reference 20/00643/RMM. The RMA was approved on 9 April 2021.
- 2.3 The development phasing of the proposal comprised a two-phase delivery with Phase 1 including Blocks C and D (143 units). A series of S96a non-material amendment applications were submitted and approved between 2021 to 2025 in relation to Phase 1 of the approved scheme. Phase 1 has been completed and is now occupied as affordable rented flats. The balance of the site, to which this S73 Planning Application relates, comprises the remaining 383 new homes to be delivered in Phase 2 (Blocks A, B, E and F).

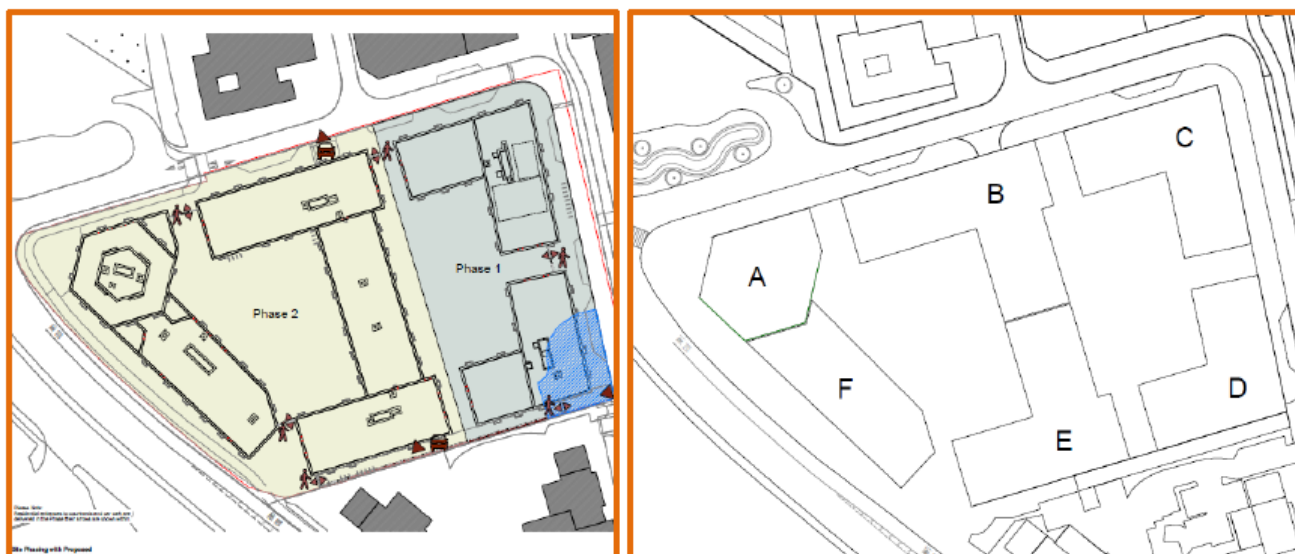
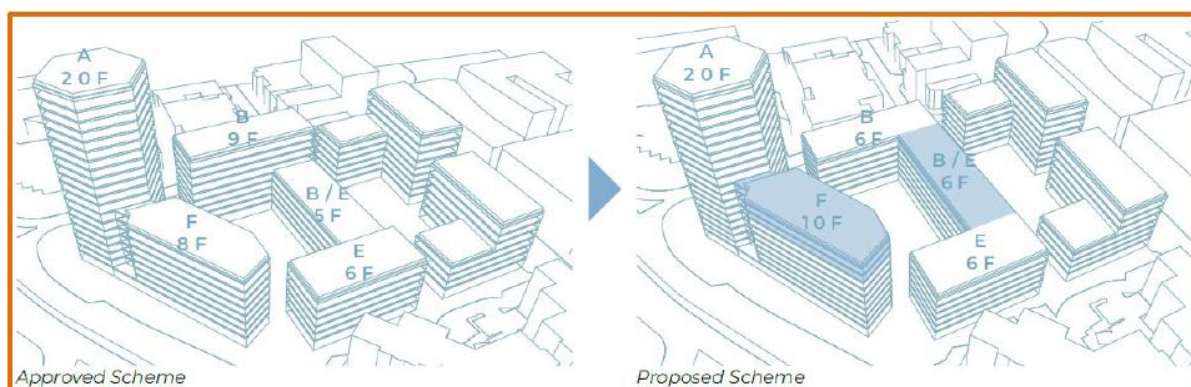


Figure 1: Phasing and Block Naming Plans

3 THE CURRENT APPLICATION

- 3.1 This Section 73 (S.73) Planning Application relates to the remaining 383 new homes to be delivered in Phase 2 (Blocks A, B, E and F). The applicant, as the prospective purchaser of the Phase 2 land has undertaken detailed feasibility studies to consider the most suitable form of development in light of significant commercial and regulatory changes since the Reserved Matters Planning Permission was granted back in 2021. A series of targeted amendments are required to the approved scheme to deliver dwellings at the site, whilst adhering to the vision and commitments to high quality design enshrined within the Reserved Matters Planning Permission.
- 3.2 Chief among these changes are targeted amendments to the approved scheme to cater for a Build-to-Rent (BTR) market. The applicant is pursuing a BTR strategy, backed by a pension fund capital partner. This approach secures forward funding to deliver the scheme and provides a long-term structure to retain and professionally manage the homes. The applicant is aiming to provide a supply of high-quality, well-managed rental housing that meets local needs and maintains the full housing output originally proposed.
- 3.3 In addition, the Building Safety Act introduced in April 2022 represents a significant regulatory change which has been introduced since the Reserved Matters Planning Permission was granted. A comprehensive review of the massing strategy of the approved Phase 2 scheme has been undertaken to manage fire risk while seeking to provide an expedited programme of housing delivery to meet identified local housing need and provide certainty for funders of the emerging Phase 2 development.
- 3.4 Buildings B and E have been unified in height to six storeys, bringing them below the Building Safety Act (BSA) Higher-Risk Building (HRB) threshold. In contrast, Building F has been increased to ten storeys, strengthening its role as a visual marker within the townscape and consolidating the HRB components into a single defined phase along with Block A at 20 storeys. Block A remains unchanged from the original Reserved Matters approval.



- 3.5 As a result, there are also minor associated amendments to car and cycle parking provision, internal layout, configuration of non-residential ground floor uses and limited introduction of residential use at ground floor. The proposed amendments would not increase the total number of residential homes, which remains at 383. However, the internal configuration and housing mix are revised to improve compliance, efficiency and viability. The new housing mix is set out below along with the original approved mix. The site phasing has also been updated to split phase 2 into two sub-phases. Phase 2a (blocks B and E) would deliver 144 homes and phase 2b (blocks A and F) would deliver 239 homes.

Approved Housing Mix	Revised Housing Mix
• 207 x 1-bed units • 176 x 2-bed units	• 215 x 1-bed units • 155 x 2-bed units • 13 x 3-bed units
TOTAL: 383 homes	TOTAL: 383 homes

- 3.6 The application comes before the Planning and Development Committee because the application is major development.

4 PUBLIC REPRESENTATIONS

- 4.1 The application was publicised by neighbour letters, two site notices and a press advert. An objection was received from the occupier of No.72 Daneshill House (part of phase 1) on the grounds that the development does not have enough parking.
- 4.2 A verbatim copy of the representation that was made against this application can be viewed on the Council's website.

5 CONSULTATIONS

- 5.1 The following section contains summaries of consultation responses. Full copies of the responses are available on the Council's website.

5.2 SBC Environmental Health

- 5.2.1 Thank you for consulting the Environmental Health & Licensing Service (EH&LS) regarding the above.

Environmental noise

As I understand it, this application seeks only to modify the configuration of the physical structure permitted by consent 20/00643/RMM, as amended. I have reviewed the Section 73 Application – Acoustics Compliance Letter prepared by Sol Acoustics Limited (reference L486460-SOL-XX-XX-RP-Y-001, dated 21/8/2025) and have no material disagreement with its key conclusion, i.e. that the proposed increase in height of Block F will not have a significant detrimental impact on existing and future residents. Permission 20/00643/RMM contains a number of conditions (such as 26, 27, 28, and 29) relating to the control of noise and I believe that these control measures remain necessary and relevant.

I have no other environmental health related observations regarding this application.

5.3 HCC Highway Authority

- 5.3.1 Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.
- 5.3.2 The Highway Authority note the submission of a Section 73 application relating to Phase 2 of the former Matalan site. The submission of documents in support of the application are noted, including a Transport Statement, dated August 2025. The Highway Authority is content that the proposed changes do not have a material impact on the adjoining local highway network. As such, the Highway Authority does not wish to restrict the grant of planning permission.

5.4 SBC Highway Engineers

5.4.1 No comments received.

5.5 HCC Growth and Infrastructure

5.5.1 No comments received.

5.6 Herts Fire and Rescue (Water Officer)

5.6.1 As discussed, the DAMA fire statement references Fire Hydrant locations within 90m of the site (attached). Using the service mapping software and the real route of any Fire hose being laid the tower will fall short of the 90m (attached). Also, the hydrant (014885) outside the Police Station would require this to be laid across 4 lanes of traffic and the fence separating the carriageway which would not be realistic. We would require that fire hydrants are placed on the site

6 RELEVANT PLANNING POLICIES

6.1 National Planning Policy Framework

6.1.1 The latest revision of the NPPF was published in December 2024. The policies it contains are material considerations which will be taken into account in dealing with applications. Due weight will be given to development plan policies according to their degree of consistency with the NPPF.

6.1.2 The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

6.2 Planning Practice Guidance

6.2.1 The Planning Practice Guidance ("PPG") is an online resource containing guidance supplementing the NPPF. The PPG is a material consideration which should be taken into account in determining planning applications.

6.3 National Design Guide

6.3.1 The National Design Guide 2019 is Government guidance on the characteristics of well-designed places and demonstrates what good design means in practice. It has the same status as the PPG and should similarly be taken into account when determining planning applications.

6.4 The Development Plan

6.4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For Stevenage, the development plan comprises the following documents:

- Stevenage Borough Local Plan 2011-2031
- Waste Core Strategy & Development Management Policies DPD 2011-2026
- Waste Site Allocations DPD 2011-2026
- Minerals Local Plan Review 2002-2016

6.4.2 The Stevenage Borough Local Plan 2011-2031 was adopted in 2019. The council concluded a full review of the plan in 2024, as required by regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

6.4.3 In response to the review, the council is carrying out a partial update of the local plan. Weight will be given to emerging policies according to:

- a) the stage of preparation of the emerging plan;
- b) the extent to which there are unresolved objections to the policies; and
- c) the degree of consistency between the policies and the most recent revision of the NPPF.

6.4.4 In determining applications, regard will be had to other material considerations, including (but not limited to):

- The Planning Practice Guidance;
- The National Design Guide;
- Written ministerial statements and directions;
- Guidance published by Hertfordshire County Council;
- Stevenage Borough Council supplementary planning documents.

6.4.5 Where there are emerging policies which are relevant to the application, these will be highlighted in the main body of this report. The policies set out below are most relevant in the determination of this application:

Policy SP1: Presumption in favour of sustainable development;

Policy SP2: Sustainable Development in Stevenage;

Policy SP4: A vital Town Centre

Policy SP6: Sustainable Transport

Policy SP7: High quality homes

Policy SP8: Good design

Policy SP11; Climate change, flooding and pollution

Policy SP13: The historic environment

Policy TC1: Town Centre

Policy TC2: Southgate Park Major Opportunity Area

Policy TC5: Central core Major Opportunity Area

Policy IT3: Infrastructure

Policy IT4: Transport assessments and travel plans

Policy IT5: Parking and Access;

Policy IT6: Sustainable transport

Policy IT7: New and improved links for pedestrians and cyclists

Policy HO9: Housing types and sizes

Policy HO11: Accessible and adaptable housing

Policy GD1: High quality design

Policy FP1: Climate change

Policy FP2: Flood risk in Zone 1

Policy FP5: Contaminated land

Policy FP7: Pollution

Policy FP8: Pollution sensitive uses

Policy NH5: Trees and woodland

Policy NH7: Open space standards

6.5 **Supplementary Planning Documents**

6.5.1 The following supplementary planning documents are relevant to determining the application:

Parking Provision SPD (2025)

Stevenage Design Guide SPD (2025)

6.6 Community Infrastructure Levy Charging Schedule

- 6.6.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development. However, as outline planning permission was granted prior to the adoption of CIL this development is not CIL liable, rather infrastructure contributions would be collected as agreed in the s106 attached to the outline permission.

7 APPRAISAL

- 7.1.1 The principle of redeveloping the site for a residential-led mixed use development has been established via the grant of Outline Planning Permission in October 2017 (ref. 14/00559/OPM) and the later Reserved Matters Planning Permission in April 2021 (ref. 20/00643/RMM). The main issues for consideration now relate to the amendments to Phase 2 of the scheme which impact upon the character and appearance of the area; whether the design of the development continues to be of high quality in accordance with policy; the effect of the changes on the amenities of existing neighbours; whether the development would continue to provide an acceptable living environment for future residents; the impact of the development on the highway network; parking provision; flood risk, trees and landscaping/open space, ecology, sustainable construction and climate change.
- 7.1.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.1.3 The general thrust of national and local planning policy is to secure sustainable patterns of development and re-use previously developed ('brownfield') land. Section 11 of the NPPF (Making Effective Use of Land) of the NPPF highlights the importance of optimising existing brownfield sites. In particular, paragraph 124 of the NPPF sets out that strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
- 7.1.4 Paragraph 125(c) of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, while Paragraph 125(d) adds that planning policies and decisions should:
- "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively ..."*
- 7.1.5 There is a strategic need for increased housing delivery particularly on brownfield land sites. The NPPF (paragraph 61) reiterates the central Government's objective to significantly boost housing supply to ensure that enough homes are being delivered without unnecessary delay.
- 7.1.6 The application site is located within the Southgate Park Major Opportunity Area. Within this area Policy TC2 states that permission will be granted for high density residential units, new multi storey or basement car parking with landmark buildings in prominent locations, with the widening of Danesgate along its length from Lytton Way to Danestrete and the corner of Danestrete eased to allow buses to negotiate the corner more easily. It is considered that the application proposal continues to meet the requirements of this policy.
- 7.1.7 Policy TC8: Town Centre Shopping Area of the adopted Local Plan (2019) sets out that in the Town Centre Shopping Area (TCSA), uses which are appropriate will be permitted at ground floor level, including Use Classes A1, A2, A3, A4 (Now Use Class E) C1, D1 and/or D2 (Now Class F1 (non-residential), Class F2 (Local Community) and (Sui Generis such as cinemas

and concert halls). The policy provides that uses other than A1 (Now Class E) will be granted in respect of premises which are not within a primary retail frontage, where the benefits to the overall vitality and viability of the town centre would equal or outweigh those that would be provided by an A1 or A2 use (Now Class E) in the equivalent location. This will be considered having regard to whether:

- The proposal will retain an active frontage;
- The proposal will generate footfall equivalent to, or greater than, an A1 or A2 use in the equivalent location; and
- The unit has been unsuccessfully marketed for A1 or A2 use or has remained vacant for at least six months.

- 7.1.8 In the emerging local plan review and partial update, policy TC8 is updated to remove primary and secondary frontages as a designation in the town centre. This is consistent with national policy, which promotes flexibility of uses in town centres. The policy continues to allow uses appropriate to a town centre at ground floor level, including Use Classes E, F1, F2 and C1, as well as some other *sui generis* uses.
- 7.1.9 The commercial floorspace has been designed to activate the ground floor at key points attracting footfall to the area. The Outline permission allows for several commercial uses such as retail, office, food and drink, including hot food takeaway. Under changes to the Use Classes Order in 2020, Class E (commercial, business and service) provides for a wide variety of potential uses and the ability to move between the uses without the need for further planning permission. The latest Phase 2 proposals allow for resident 'amenity' uses at ground floor including a gym, co-working space and residents' lounges. It is considered that the ground floor amenity/commercial elements of the proposal continue to meet the requirements of this policy for Phase 2 of the development.
- 7.1.10 The applicant has advised the revisions to Phase 2 are necessary to respond to significant changes in both market conditions and the regulatory environment since the original Reserved Matters Planning Permission was granted in 2021. The amendments would ensure that the site can continue to make an effective contribution to the identified housing need, whilst maintaining the high standards of design and placemaking previously secured through the Reserved Matters approval.
- 7.1.11 A central adjustment relates to the adoption of the Build to Rent typology. The Government's Planning Practice Guidance (PPG) recognises BTR as a distinct and important tenure supporting housing delivery to meet local housing markets. Paragraph 001 of the BTR section of the PPG highlights that large town centre sites and/or town regeneration areas should encourage BTR where a local need can be identified. The proposed amendments are therefore consistent with national policy support for BTR provision, and they would enhance the scheme's alignment with the Council's housing objectives, including widening access to high quality rental accommodation.
- 7.1.12 Additionally, the revisions would respond to updated regulatory requirements following the introduction of the Building Safety Act 2022. The changes would ensure full compliance with the enhanced fire safety standards. The proposed revisions would ensure the expedited delivery of 144 homes within "Phase 2A" (Blocks B and E) with "Phase 2B" (Blocks A and F) to follow. These homes would make a significant and essential contribution to the housing needs of the local area.
- 7.1.13 By facilitating this development through the revisions proposed, this previously developed site in a suitable town centre and sustainable location can be utilised. This should be given substantial weight in accordance with Paragraph 125(c) of the NPPF. The proposal would also provide additional housing and the council's latest Housing Delivery Test score was below 75%. The policies most relevant for determining the proposal are therefore considered to be out of date and the 'tilted balance' as set out under paragraph 11(d) of the NPPF is engaged.

- 7.1.14 The development would make a significant contribution towards meeting the borough's overall housing need and would also help to address a structural imbalance in the existing housing stock by providing smaller residential units. The provision of good quality housing on a suitable site at a time when housing delivery is constrained carries significant weight in favour of the application proposal.

7.2 **Character and Appearance**

National Planning Policy Framework and Planning Practice Guidance

- 7.2.1 Chapter 12 Achieving well-designed places of the NPPF (2024) stipulates that the creation of high quality, sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. Where development is not well designed, permission should be refused.
- 7.2.2 The NPPF sets out at Paragraph 140 that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.
- 7.2.3 The National Design Guide 2019, which was published by the Government, is a material consideration in the determination of planning applications. It states that buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:
- the context for places and buildings;
 - hard and soft landscape;
 - technical infrastructure – transport, utilities, services such as drainage; and
 - social infrastructure – social, commercial, leisure uses and activities.
- 7.2.4 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout;
 - the form and scale of buildings;
 - their appearance;
 - landscape;
 - materials; and
 - their detailing.

Development Plan

- 7.2.5 Whilst the policies contained in the Local Plan have limited weight, Policy SP8 generally reflects the requirements of the NPPF in that it requires new development to achieve the highest standards of design and sustainability. In addition, Policy GD1 generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.2.6 In the emerging local plan review and partial update, criterion (e) of Policy GD1 is updated to refer to “unacceptable” adverse impacts. The intention behind the change is to make clear that

in some circumstances, an adverse impact might still fall within acceptable bounds and that this is a matter of judgement for the decision maker. Policy GD2 is a new policy emerging from the local plan review and partial update. It states that proposals which demonstrate they have been designed to achieve a rating of excellent or higher against a relevant BREEAM standard and/or to achieve the BRE Home Quality Mark will be strongly supported. Having regard to paragraph 49 of the NPPF, this emerging version of the policy is afforded moderate weight in the assessment of the application.

- 7.2.7 This part of the application has been assessed against the key policy criteria on good design, as well as how the scheme meets the four key objectives in the National Design Guide on what is considered as a well-designed place.

Design Principles

- 7.2.8 The design of Phase 2 builds directly on the strategic principles established in the original Reserved Matters Planning Permission, maintaining the architectural character, massing hierarchy, and urban structure that were previously supported. The proposal identifies minor modifications to facilitate the delivery of Build-to-Rent homes, enhanced regulatory efficiency and scheme buildability. The revised scheme retains the approved perimeter block arrangement and architectural character, ensuring that the overall structure and appearance of the development remains consistent with the Reserved Matters Planning Permission.
- 7.2.9 By unifying the height of Buildings B and E to six storeys, they would sit below the Building Safety Act and Higher-Risk Building threshold while ensuring a consistent and respectful relationship with adjacent residential buildings, particularly Pinetree Court. To facilitate this, while maintaining a consistent unit mix, Building F has been increased to ten storeys. Building F is strategically positioned to mark the western edge of the site, and the revised proposals emphasise its importance while retaining the stepped approach to building heights from the landmark building of Block A and stepping down along Lytton Way.
- 7.2.10 The internal layout has been optimised to improve the space efficiency in accordance with requirements for BTR development. The rationalised footprint also supports a more efficient internal layout, enabling better unit stacking, simplified servicing, and clearer structural logic. These refinements contribute to improved buildability and operational performance, while preserving the legibility and urban presence of the original scheme. The updated design continues to prioritise high-quality public realm and active street frontages, consistent with the site's location within the Town Centre. The result is a development that remains true to its original vision while responding intelligently to regulatory and financial imperatives.

Layout

- 7.2.11 The proposed layout for phase 2 would retain the original perimeter block design, which encloses a generous courtyard serving shared amenity space for residents. The block is arranged to address all surrounding streets, with active frontages and clearly defined entrances. The ground floor would accommodate a mix of residential lobbies, cycle stores, refuse rooms and commercial or community facing units, all arranged to activate the public realm and support long term management. The latest proposal also includes four residential units (2 x 1no. bed and 2 x 2no. bed) at ground floor level in Block B/E facing out onto the shared courtyard garden. The layout would also accommodate a central, single level carpark within Block B/E accessed from Danestrete. The arrangement of balconies, windows and amenity spaces has been coordinated with the internal layout to ensure compliance with housing standards and to maximise useability. Overall, the architects have strived to create a layout which balances efficiency, liveability and architectural clarity.

Massing and Scale

- 7.2.12 The scale of the Phase 2 development has been carefully designed to balance urban intensity with contextual sensitivity. While the site occupies a central location within the town centre, the proposal would maintain a human scaled environment using stepped building heights, generous courtyard spaces and active ground floor frontages. Building F at 10 storeys is strategically positioned to mark the western edge of the site and reinforce its role as a visual landmark, while the unified six storey height of Buildings B and E would ensure a consistent and respectful relationship with adjacent residential buildings.
- 7.2.13 Despite the increase in height of Building F and rationalisation of Buildings B and E, it is considered the overall scale of the development remains in line with the original design intent. These adjustments have been made to improve fire safety compliance and financial viability without compromising the architectural character or massing logic of the scheme. The perimeter block structure, courtyard proportions and street facing elevations continue to reflect the design principles of the Reserved Matters Planning Permission. This ensures that the development would continue to contribute positively to the evolving town centre skyline while maintaining a comfortable and legible scale and street level.

Materiality

- 7.2.14 The facade treatment has been updated to match the proposed amendments to Phase 2. The updated façade grid, introduced to accommodate rationalised apartment layouts, is more regular and orderly, yet retains the rhythm and character of the original design. The material palette for the revised scheme remains consistent with the Reserved Matters Planning Permission. The external elevations would continue to utilise high-quality facing brickwork, with patterned detailing to articulate façades and break up massing. Balconies would retain the same metalwork finish, providing continuity in character and durability. No changes are proposed to the material specification, ensuring that the revised scheme would deliver design continuity and meet the architectural quality established in the Reserved Matters Planning Permission.

Conclusion

- 7.2.15 The updated design retains the core values of the original scheme, in terms of clarity, coherence, and contextual sensitivity. The proposal introduces targeted refinements that improve compliance, efficiency, and resident experience. Given that this application seeks to retain the intent and the key principles of the original, approved design under the Reserved Matters Planning Permission, the proposals are considered to be in accordance with the adopted Local Plan (2019), the Design Guide SPD (2025), the NPPF (2024) and PPG. The proposals would support the deliverability of the housing in response to changes in the market and regulatory context while enhancing efficiency and design quality.

7.3 Impact upon the Character and appearance of the Conservation Area

- 7.3.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 contains ‘statutory duties’ that apply to this application:

S.66: The decision maker shall have special regard to the desirability of preserving the setting of listed assets (relates to the indirect impact on the statutory listed clock tower, the bronze ‘Joyride’ sculpture by Franta Belsky and Baijo’s tiled mural).

S.72: The decision maker shall pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (this relates to the direct impact on the conservation area. This section of the 1990 Act does not relate to the setting of conservation areas).

- 7.3.2 Paragraphs 207 to 221 of the NPPF (2024) have to be considered in the determination of this planning application. As established through case law, if there is any harm to designated heritage assets, great weight has to be given as to the impact the development may have on these assets.
- 7.3.3 Policy SP13 of the adopted Local Plan relates to the historic environment. This states that the council will preserve and enhance the most important area and characteristics of Stevenage. The policy goes on to state that the Council will:
- a. Have carried out Heritage Impact Assessments for development sites within, or adjacent to, conservation areas. Site specific mitigation measures have been incorporated to minimise the impacts of development.
 - b. Will use national guidance and legislation to review, designate and determine planning applications affecting heritage assets.
 - c. Will protect areas of archaeological importance and other relevant heritage assets by applying the detailed policies set in this plan.
- 7.3.4 Policy NH10 Conservation Areas states those development proposals within, or affecting a conservation area should have regard to the guidance provided by the relevant Conservation Area Management Plan Supplementary Planning Document. In terms of site-specific policy, Policy TC2 stipulates that a heritage assessment and design work to preserve and enhance the significance of the Town Square Conservation Area and the contribution made by its setting has to be considered as part of the scheme's design. This requirement is also reflected in Policy TC5. This policy under criterion IV also sets out that all development proposals should continue the preservation and enhancement of the Town Square Conservation Area.

The Town Square Conservation Area

- 7.3.5 The Conservation Area was originally designated in 1988. The boundary of this was extended in 2010 following a review and is drawn tightly around the properties that enclose Queensway. This is the main north-south spine which runs through the retail area. It also includes Market Place which extends east from Queensway and there are also the properties on the northern and south side of Town Square which form its enclosure. The review considered that the Conservation Area boundary should only be focused on the whole of Phase 1 pedestrianised area of the New Town. The justification for not expanding the conservation area boundary beyond its current limit was because it was agreed by the Council at the time that it would not be beneficial or appropriate for the future of the town centre and would include newer developments such as the Matalan site, The Plaza, The Forum and the West Gate shopping centre. None of these were part of the original town centre masterplan and none are of significant architectural or historic interest to warrant inclusion in the conservation area.
- 7.3.6 The Conservation Area also includes the Clock Tower and surrounding pool, the Joy Ride sculpture and Gyula Bajó's tiled mural on Primark all of which are Grade II listed. Given this, the proposed development could potentially have an impact on the setting of the Town Square Conservation as well indirectly impact on the setting of the Joy Ride sculpture, Clock Tower and mural.

Contributions of the application site (Conservation Area and Listed Buildings)

- 7.3.7 The application site is located approximately 50m west of the Town Square Conservation Area. The Listed structures are located approximately 100m to the northeast of the application site boundary. The sculpture and mural can only be experienced from within the Town Square, while the top of the Clock Tower can be seen in views from Danesgate, albeit largely obscured by existing built form on Danestrete. The application site is therefore considered to make a

neutral contribution to the setting and significance of the three listed structures and the proposed development would not result in harm to their setting.

- 7.3.8 The application site is already somewhat restricted from view from within the Conservation Area. The proposed development would be seen from the edge of the Town Square. However, the approved SG1 development would obscure this view to a large extent with only the top floors of the proposed Landmark tower visible from the Conservation Area.

Summary

- 7.3.9 In summary, it is not considered that the proposed development would cause harm to the setting of the Town Square Conservation Area nor the Grade II listed Joy Ride Sculpture, Clock Tower and mural. The proposal would deliver a number of significant public benefits, some of which have already happened through the delivery of Phase 1. These public benefits have included the removal of the old Matalan retail store and its car park, which was considered to have a negative impact on the setting of the Conservation Area, and its replacement with much needed housing in an attractively designed development which would complement the wider town centre regeneration proposals. It would also improve cycle and pedestrian routes which build on the original ethos of the “pedestrianised” streets of the original town centre.

7.4 Affordable housing and Section 106 Financial Obligations

- 7.4.1 Policy HO7 of the adopted Local Plan (2019) which governs affordable housing, stipulates that planning permission will be granted for residential development which would maximise affordable housing provision. There is a requirement to provide 25% of new homes to be affordable.
- 7.4.2 In the submission of the Outline planning application the then applicant provided a detailed financial viability assessment which demonstrated that the proposal would not be viable if the full requirement for on-site affordable housing were to be sought. That appraisal was independently assessed by the Council’s own viability consultant who concurred with that view. In that instance, the viability appraisal indicated that a reduced provision of only 24 social rented units could be provided (4.6%) and this was negotiated with the applicant and secured by way of a S106 legal agreement. That approach was in accordance with the NPPF as it had been clearly demonstrated that the scheme would not be viable with the usual full requirement of affordable housing provision.
- 7.4.3 Since then, a Registered Social Housing Provider took over the development of Phase 1 (now built and occupied) and has provided 100% of the dwellings in Phase 1 as affordable rent (143 homes). This has exceeded the policy requirement, and front loaded all the affordable housing into the Phase 1 buildings leaving the dwellings in Phase 2 available for the open market. The prospective purchaser of this site and applicant is intending to deliver these homes as build to rent units.
- 7.4.4 In addition to affordable housing, financial contributions were also required in accordance with the Hertfordshire County Council tool kit and contributions to Stevenage Borough Council for the maintenance of the Public Realm. The previous applicant under the Outline planning application agreed to provide contributions toward Primary and Nursery Education, Childcare and Library facilities. They also agreed to provide contributions to the Council toward improvements to outdoor open space and children’s play provision which would be calculated on the mix of residential units. These were secured by way of a S106 legal agreement and have been paid in accordance with the triggers within the agreement.

7.5 Impact on Amenity

National Planning Policy Framework and Planning Practice Guidance

- 7.5.1 Paragraph 135 of the NPPF (2024) sets out that planning decision should ensure create places with a high standard of amenity for existing and future residents. Paragraph 124 of the National Design Guide states that *“Good design promotes quality of life for the occupants and users of buildings. This includes function – buildings should be easy to use. It also includes comfort, safety, security, amenity, privacy, accessibility and adaptability”*. Paragraph 126 of the National Design Guide also emphasises that *“well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation. The quality of internal space needs careful consideration in higher density developments, particularly for family accommodation, where access, privacy, daylight and external amenity space are also important”*.

Development Plan

- 7.5.2 Whilst the policies contained in the Local Plan have limited weight, Policies SP8 and GD1 of the Local Plan (2019) which generally reflect the good design principles outlined in the NPPF and National Design Guide, require that development does not adversely impact the amenities of neighbouring occupiers. In the emerging Local Plan review and partial update, criterion (e) of policy GD1 is updated to refer to “unacceptable” adverse impacts. The intention behind the change is to make clear that in some circumstances, an adverse impact might still fall within acceptable bounds and that this is a matter of judgement for the decision maker. This emerging policy carries significant weight under paragraph 49 of the NPPF.
- 7.5.3 Policy FP7 requires all development proposals to minimise, and where possible, reduce air, water, light, and noise pollution. Planning permission will be granted when it can be demonstrated that the development will not have unacceptable impacts on general amenity and the tranquillity of the wider area.

Noise Pollution

- 7.5.4 A Compliance Letter prepared by Sol Acoustics is submitted with this application. The letter confirms that the design criteria outlined in the original Sandy Brown report submitted with the Reserved Matters Application (document reference 20297-R03-C) remains valid for the submission of this Section 73 amendment application. The new proposals for Phase 2 would introduce additional residential accommodation at higher levels at Block F which by virtue of vertical distance should not experience worse noise conditions than lower floors. The increased height of Block F would at the same time provide further shielding from noise from Lytton Way as the main source of noise, benefitting the rest of the Phase 2 scheme, as well as Phase 1.
- 7.5.5 4no. new residential units would be introduced at ground floor on the east side of the Phase 2 courtyard. The applicant’s noise consultants have advised noise is not expected to be of concern and amenity would be further protected with regard to defensive/buffer planting. Further to the original Sandy Brown report, updated noise measurements were undertaken in 2023 (L486460- SOL-XX-XX-RPT-Y-0001 P02) which demonstrated a generally quieter noise environment than the original noise report submitted with the RMA (20297-R03-C) and supports site suitability for Phase 2.
- 7.5.6 This position has been confirmed by the Council’s environmental health officer who has concluded that the proposed increase in height of Block F would not have a significant detrimental impact on existing and future residents. However, it is noted permission 20/00643/RMM contains a number of conditions (such as 26, 27, 28, and 29) relating to the control of noise and these control measures would remain necessary and relevant.

Daylight / Sunlight

- 7.5.7 The scheme has been designed to locate the tallest building in the North West corner of the site along Lytton Way to ensure overshadowing to existing and new residents is limited. Distances between buildings and breaks between buildings would ensure that new dwellings would receive adequate daylight and sunlight and overshadowing would be limited. Daylighting assessments have informed the design of the layout of homes and window openings, and the application is supported by a Daylight, Sunlight and Overshadowing note which follows on from the previous detailed studies in support of the earlier Reserved Matters Application ref. 20/00643/RMM.
- 7.5.8 Where a scheme benefits from an earlier permission, the relevant BRE guidance¹ states that the effects of subsequent revisions may be benchmarked against the original Reserved Matters Application (RMA) scheme. In respect of this Section 73 amendment application, key reductions in height and considered optimisation of the proposals would ensure the continued acceptability of the scheme.
- 7.5.9 In respect of external amenity, the key relationship is with the retirement flats at Pine Tree Court to the south. Building E of the proposals is maintained at the same height as the original scheme and there would be no change in the external effects to these residential neighbours. Internally the design of the proposed units would remain similar to the original scheme which delivered an excellent level of compliance with the BRE targets. Where additional units have been introduced to the lower floors, these would benefit from appropriate glazing and an efficient internal layout such that amenity would be good.
- 7.5.10 The overall site layout follows the principles of the original scheme such that shading and sunlight availability to the landscaping would experience limited change. In particular, there would be no change in the height of the southern elements of the proposal at Building E to maintain sunlight availability within the courtyard space. Accordingly, no likely significant effects are considered to arise in terms of sunlight, daylight and overshadowing.
- 7.5.11 The review concludes that the daylight and sunlight effects of the proposals would remain consistent with the original scheme and therefore meet the relevant BRE targets in respect of the previous Reserved Matters Planning Permission. Shading and internal amenity would also remain in line with the previously permitted levels, with changes to the flat layouts and balcony provision only enhancing the quality of the homes. The Section 73 amendment scheme is therefore considered to be a high-quality evolution of the earlier proposals, remaining in accordance with the relevant BRE targets.

Standard of Accommodation

- 7.5.12 Phase 2 provides a mix of one, two and three-bedroom flats that meet the Nationally Described Space Standards. The scheme is optimised for Build to Rent, with layouts and amenities designed to support long-term occupancy, operational efficiency and resident wellbeing with a gym, resident lounges and co-working space. The blocks would maintain the original courtyard-focused layout, with active street frontages and clearly defined entrances. Internal layouts have been refined for efficiency, with shorter corridors, well-organised cores, and dual access to both street and courtyard, supporting convenience, natural surveillance, and fire safety.
- 7.5.13 All homes would include outdoor amenity space: full balconies for the lower 12 storeys, and Juliette balconies for the upper 8 levels due to wind constraints. Ground floor homes would be equipped with private external terraces. Residents would also have access to shared landscaped courtyards and internal communal areas, ensuring high-quality amenity, daylight,

¹ Building Research Establishment Guidance Note 209: Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (the BRE Guidelines).

privacy, and a strong sense of community. Ground-floor lobbies, community/commercial areas, cycle stores, and refuse areas would help animate the street and support long-term management.

Demolition and Construction Impacts

- 7.5.14 The disruptive effect of demolition and construction work is a material consideration. Some disruption is inevitable, insofar as vehicle movements and noisy work would be necessary to complete the development. However, the impacts can be mitigated, for example by employing dust suppression techniques, limiting the hours when deliveries can be made, and limiting the hours when work can be carried out.
- 7.5.15 To this end, it is recommended that a construction management plan be secured by condition. Subject to this condition, it is considered that the impacts of demolition and construction could be mitigated to an acceptable degree.

Conclusions on Environment and Neighbouring Occupiers

- 7.5.16 Having regard to the above, it is concluded that the proposed development would not result in any fundamentally unacceptable impacts on the environment and has been designed in such a way as to ensure acceptable living conditions for future occupiers and the amenity of neighbouring properties. In these respects, the proposal is considered to accord with Policies SP8, FP7 and GD1 of the Local Plan.

7.6 Parking

National Planning Policy Framework and Planning Practice Guidance

- 7.6.7 Chapter 9 'Promoting Sustainable Transport' of the NPPF (2024) sets out a requirement to consider transport issues, which includes parking, at the earliest stages of a development proposal. Paragraph 116 of the NPPF (2024) states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios*". Taking this into consideration, paragraph 117 of the NPPF (2024) stipulates that applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Development Plan

- 7.6.8 Policy IT5 of the Local Plan requires development proposals to comply with the parking standards set out in the Council's Parking SPD (2025) and has not been updated by the Local Plan (LP) Review. Policy SP6 Sustainable Transport has been reordered to reflect the priority of sustainable transport consistent with NPPF under the LP Review and the amended policy carries significant weight. This policy requires, amongst other things, for developments to

demonstrate they are in a sustainable location and will promote active travel by non-car modes of transport by providing appropriate cycle parking and prioritise public transport.

- 7.6.9 The Parking Provision SPD (2025) provides guidance on the Council's policies in the adopted Local Plan. Importantly, this SPD provides guidance on how car parking should be considered for accessible town centre sites. With regards to car parking standards, the SPD sets out that in the 'Accessibility Zone' for town centre sites, adjustments can be made to parking provision for residential development, with the adjustments equating to parking at 0% to 25% of the applicable maximum standard. In applying the standards, the SPD notes the following regarding town centre locations:

"The Council will place the town centre at the forefront of its efforts to transition to sustainable modes of transport. This will not only involve limiting new car parking but also providing new sustainable travel facilities and measures to ensure that car parking is not simply displaced to surrounding areas."

"Residential development in the town centre should provide parking spaces at no more than 25% of the baseline maximum level. Ideally, it should not provide any parking apart from disabled persons' parking, cycle parking and dedicated bays for car sharing schemes. Applications for residential development in the town centre should always be supported by a transport assessment or technical note to justify the proposed level of parking."

- 7.6.10 The proposed amendments do not result in any changes to the overall number of residential units. However, the change in the schedule of accommodation has resulted in minor amendments to aspects of the development in terms of parking provision. In addition, there have also been changes in planning policy since the 2021 Reserved Matters Permission which has influenced the latest proposal. The proposed amendments would result in reduced parking on-site, mainly due to the internal changes to Blocks B and E which involves converting areas occupied by parking spaces into residential accommodation. The change in parking provision is summarised below. The figures are for Phase 2 only.

Parking Type	2021 Permission	Proposed Amendments	Net Change
Standard	49	12	-37
Disabled	3 (6%)	3 (20%)	0 (+14%)
Visitor	0	0	0
Total	52	15	-37

- 7.6.11 A total of 37 parking bays have been removed from the development, with 15 spaces remaining within the ground floor of Blocks B and E. Of the 15 spaces, 12 would be provided as standard bays and 3 spaces for disabled users. In terms of EV parking, the Council's standards do not set any specific requirements but require all developments with more than 10 spaces to comply with building regulations. As noted earlier, changes in SBC parking policy through the recently adopted SPD support a reduction in car parking in town centre sites, allowing 0-25% parking provision of the maximum applicable standard.
- 7.6.12 The site lies opposite the Bus Interchange and nearby railway station, along with connections into the cycle network which would encourage alternative modes of travel away from the car. The reduction in car parking and the remaining level of provision is therefore considered appropriate based on the site's accessible town centre location and the direction of prevailing policy.

- 7.6.13 Cycle parking arrangements would remain in keeping with the Reserved Matters Permission, but with a slight increase in the level of provision to account for a change in the type and mix of residential units. The proposed amendments now also allow for larger/accessible cycle parking spaces, with a total of 20 provided (1:1 ratio with wheelchair units) and is therefore in accordance with standards. The consented and proposed level of cycle parking is summarised below. The figures are for both Phases 1 and 2.

Cycle Type	2021 Permission	Proposed Amendments	Net Change
Long-stay	765	769	+4
Visitor	50	50	0
Total	815	819	+4

- 7.6.14 Having regard to the above, the proposed parking arrangements are considered to be acceptable. In this respect, the proposal accords with Policy IT5 of the Local Plan.

7.7 Highway Safety

- 7.7.1 Policy IT4 of the Local Plan has been amended under the Local Plan Review by substituting the word “adverse” with “unacceptable” to align with the NPPF and to the travel plan threshold to align with HCC Highways policy. The amended policy carries significant weight. It states that planning permission will be granted where development will not have an unacceptable impact on highway safety. The application is accompanied by a Transport Statement and a Travel Plan.

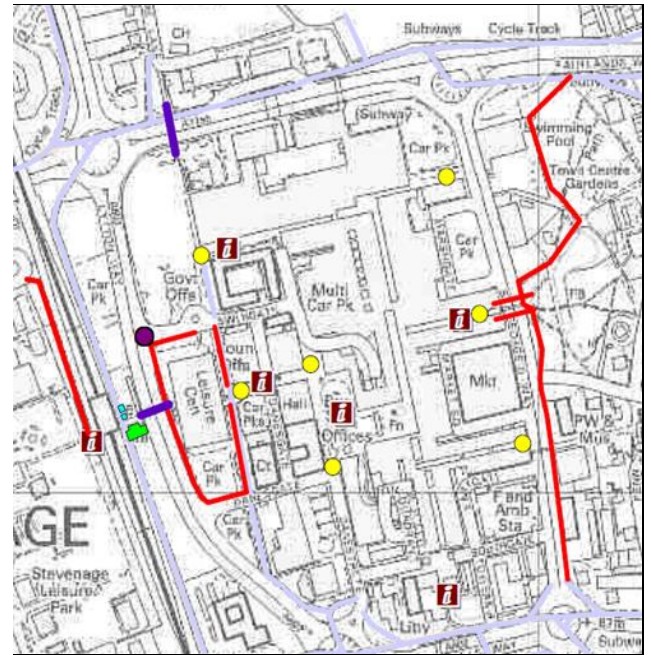
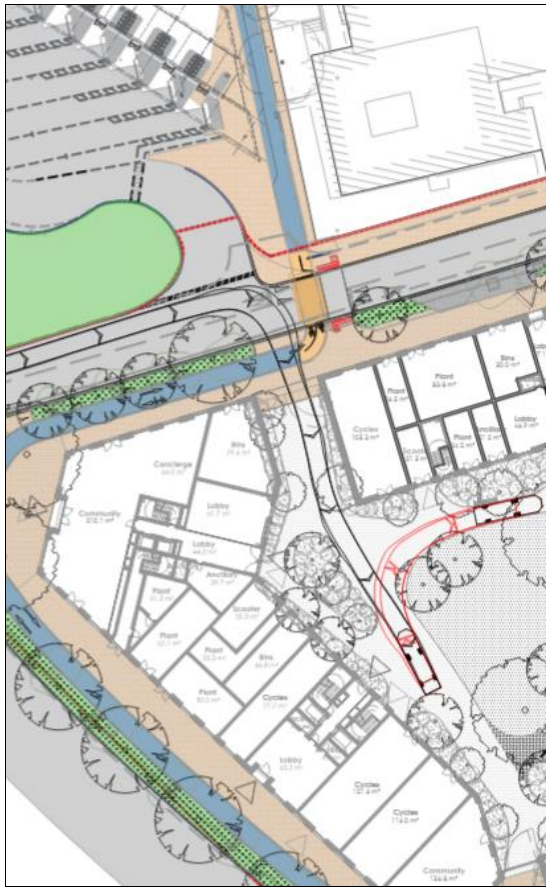
Access

- 7.7.2 The Reserved Matters Permission allowed for access to be taken from Danestrete to the south with egress onto Danesgate to the north. There are no changes proposed to the access arrangements for the site and in relation to the car park access/egress, the arrangements would remain as per the original scheme.

Public Realm works and Cycle Route

- 7.7.3 Condition 22 of the Outline Planning Permission required the applicant to submit details in relation to a new pedestrian crossing along Danestrete to facilitate improved pedestrian and cyclists crossing and, in recognition of the changes proposed as a result of the SG1 redevelopment and new Bus Station which will result in significant changes to the public realm. The developer who built out phase 1 of the proposals delivered a raised surface on the corner of Danestrete and Danesgate to increase connectivity and permeability between the site and the Town Centre.
- 7.7.4 To complement the proposals for Danestrete, the developer of phase 1 also delivered a similar treatment to Danesgate, reducing the carriageway width, and providing improved facilities for parking and loading. At the western end of Danesgate the proposals have tied into those delivered as part of the Bus Station with the building line set back to provide increased footway width and to improve the pedestrian experience. A dropped kerb with tactile paving to facilitate pedestrian crossing has also been provided.
- 7.7.5 The Outline Planning Permission also resulted in the removal of a cycle route that routed through the eastern permit only car park (northwest corner of the site). To ensure that the removal of the route did not result in a negative impact on existing cycle movements through the town, the proposal included the provision of a diverted and upgraded section of

pedestrian/cycleway along the site boundary with Lytton Way to connect with the route further north across Danesgate leading towards the Bus Interchange. Adjacent to the cycle lane, an improved footway would be provided with active frontages to the proposed development on its eastern edge. The extract from the plan below shows the new cycle route and this will be delivered as part of phase 2.



Refuse and Servicing

- 7.7.6 The servicing and waste collection strategy would remain broadly as per the original scheme, with loading bays incorporated on the periphery of the site located adjacent to the core entrances so that refuse vehicles can stop within a short walking distance. Refuse requirements for Phase 2 have been discussed with the Council's waste team whereby the number of bins required for each core was confirmed. Waste collection vehicles would be able to stop on-street adjacent to the refuse stores to ensure that bin dragging distances are minimised.

Trip Generation

- 7.7.7 Given that the total number of residential units would remain at 383 units as per the original scheme, there would not be a material or perceptible change in the overall trip generation associated with the site. Furthermore, it should be noted that the reduction in car parking spaces would have a net-benefit on the operation of the local highway network through the modal shift from car-based journeys towards alternative and more sustainable modes.
- 7.7.8 Based on the submission, the Highway Authority has concluded that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways. For this reason, the Highway Authority offers no objection subject to re-instating the planning conditions (where relevant) from the original Reserved Matters Permission set out in Section 9 below.

7.8 Impact on the Environment

- 7.8.1 Policy FP5 of the Local Plan (2019) specifies that planning permission will be granted for development on brownfield sites if an appropriate Preliminary Risk Assessment (PRA) is submitted which demonstrates that any necessary remediation and subsequent development poses no risk to the population, environment and ground water bodies. Matters relating to contamination, groundwater, air quality and environmental wind were considered under the previous Reserved Matters application and were found to be acceptable. The amendments to be considered under this s73 amendment application do not impact on these matters and therefore no further assessment is required.

7.9 Development and Flood Risk

- 7.9.1 In the emerging local plan review and partial update, flood risk and drainage policies are significantly revised. Existing policy FP1 is replaced by a new sustainable drainage policy, which places an emphasis on the use of the most sustainable SuDS features and methods of surface water discharge. Meanwhile, existing policies FP2 and FP3 are combined into a new, more comprehensive flood risk policy, which largely reflects national flood risk policies but also seeks to protect watercourses and flood defences. Having regard to paragraph 49 of the NPPF, these emerging policies carry significant weight in the assessment of the application.
- 7.9.2 The site is in Flood Zone 1 which is an area with a low probability of flooding for tidal or fluvial water course. Therefore, all developments are generally directed to Flood Zone 1. The approved drainage strategy for the site will discharge surface water via three connections to the Thames Water sewer network. Attenuation storage will be provided in two attenuation basins as well as two below ground geocellular tanks. The Lead Local Flood Authority found the drainage strategy to be acceptable, subject to conditions to secure the principles of the scheme and final details which will be reattached to the latest proposal for Phase 2 subject to planning permission. Under this s73 amendment application, no changes are proposed to the approved building footprints or the approved landscaping areas. Therefore, no further assessment is required regarding flood risk and the application continues to be acceptable in this regard.

7.10 Biodiversity and Ecology

- 7.10.1 The Environment Act received royal assent in 2021. Within the legislation is the requirement for proposals to bring about a positive net gain in biodiversity. The regulations make a 10% net gain a statutory requirement (with a standard condition). The requirement and the ways in which this gain is measured apply to planning applications for major development submitted after the regulations came into force on 12 February 2024. The NPPF and accompanying PPG require the Council to achieve measurable net gains in biodiversity at development sites across the Borough unless they are exempt. Policy SP12 of the Local Plan requires the protection of assets of ecological and biodiversity value. This policy has not been amended by the Local Plan Review and carries significant weight.
- 7.10.2 Within the legislation, some proposals are exempt from achieving 10% net gain. This includes section 73 applications where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024. This applies to this application and therefore it is exempt from the biodiversity gain condition.
- 7.10.3 The original Reserved Matters application was accompanied by an Ecological Impact Assessment. This identified the potential ecological impacts, mitigation, compensation and enhancement measures for the re-development of the site. To mitigate the loss of the existing trees and hedgerows, a landscape plan was devised which would involve the planting of trees and the creation of biodiverse roofs. These would be seeded with wildflower mixes suitable to the area and would be enhanced with invertebrate features, including sand piles, log piles,

rubble piles and water trays. Swift, sparrow and bat boxes would be integrated into the fabric of the new buildings. Following the original consultation with Herts & Middlesex Wildlife Trust in 2021, it was considered that a substantial net gain in biodiversity would occur as a result of the development.

7.10.4 Turning to the Knebworth Woods SSSI, the development site falls within the impact zone of this SSSI. However, the site is separated from the SSSI by some distance (0.9km) and urban development and highway infrastructure (including the A1(M)). As such, Natural England had not raised concerns as to the potential impact this development could have on the SSSI (including increased recreational pressure from residents residing from this development). In terms of the nearest Wildlife Site located to the south at Six Hills Barrows, due to the level of separation and the presence of highway infrastructure and the wider urban environment, it is not considered the proposed development would cause harm to this wildlife site.

7.10.5 Under this s73 amendment application, the ecological impact of the development would remain the same and no changes are proposed to the approved ecological mitigation, compensation and enhancement measures. Therefore, no further assessment is required, and the application continues to be acceptable in this regard. Having regard to the above, it is considered that the proposed development would continue to have an acceptable impact on ecology and biodiversity. In this respect, the proposal accords with Policy SP12 of the Local Plan.

7.11 Trees and Landscaping

7.11.1 Policy NH5 of the Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate. In the Local Plan review and partial update, policy NH5 is replaced by two new policies: Policy NH5a, which relates to trees and woodland; and Policy NH5b, which relates to tree-lined streets. Policy NH5a continues to provide a general presumption against the loss of healthy trees but also introduces a new tree replacement standard and offsetting mechanism where replacement planting cannot be provided on site. This emerging policy currently has limited weight. Policy NH5b requires new streets to be tree-lined, mirroring paragraph 136 and footnote 53 of the NPPF. This emerging policy carries significant weight, however, is not relevant to this application proposal.

7.11.2 The applicant's approach to tree planting has been informed by the existing hierarchy of trees within the town centre. A diverse selection of native and non-native trees is proposed to provide colour and interest throughout the year. 'Signature' trees would be planted at key junctions and the entrances to courtyards. Large, long-lived species have been selected for these locations with the intention that when they reach maturity they would add to the established structure of the local urban canopy. Street trees would include mixed size species with distinctive colour, flora and leaf shape to add character to the streets surrounding the blocks. The courtyards would be planted with some signature trees to provide continuity to views in from the streets. Also proposed are several species with open canopies to allow light through to understorey planting which would include a mix of shrubs, perennials, grasses and ferns. In addition, some fruit trees will be included within the courtyards.

7.11.3 The layout of the courtyard in Phase 2 has been informed by sunlight analysis. The central lawn and play space would be in areas which benefit from sunlight for more than two hours a day throughout the year. The courtyard itself would provide important amenity space for residents for both relaxation and play with a careful balance of safety and privacy for users. Doorstep play would be provided in excess of policy requirements to add animation, with an area of more than 1400m² between the two communal gardens dedicated to play spaces. A generous lawn would form a central gathering space with gently undulating topography. Screen planting would frame the lawn and play space in the centre with distinct areas for play and relaxation with a degree of privacy for residents.

- 7.11.4 In terms of providing new tree planting at the site to address the loss of existing trees in numerical terms, this would amount to a significant increase in the number of trees within the site. It is considered that the overall effect of the proposed development is therefore positive, both in terms of its impact upon the public realm as provided by tree planting and the proposed hard and soft landscaping in the courtyard for the enjoyment of future occupiers.
- 7.11.5 Under this s73 amendment application, no changes are proposed to the approved landscaping scheme. Therefore, no further assessment is required, and the application continues to be acceptable in this regard. It is considered the overall landscaping and tree strategy is high quality and would continue to create an attractive landscaped setting for the phase 2 buildings, with clear biodiversity and visual amenity benefits in accordance with policies SP12 and NH5 of the Local Plan (2019).

7.12 Sustainable Construction and Climate Change

- 7.12.1 Policy FP1 of the adopted Local Plan (2019) stipulates that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. New developments will be encouraged to include measures such as:
- Ways to ensure development is resilient to likely variations in temperature
 - Reducing water consumption to no more than 110 litres per person per day, including external water use
 - Improving energy performance of buildings
 - Reducing energy consumption through efficiency measures
 - Using or producing renewable or low carbon energy from a local source; and
 - Contributing towards reducing flood risk through the use of SuDS or other appropriate measures.
- 7.12.2 Under the Local Plan review, Policy FP1 has been revised to cover sustainable drainage and Policy SP1: climate change is the new relevant policy in this regard. The fundamental objective of Policy SP1 remains the same as previous policy FP1, however, it sets out in more detail the objectives to adapting to climate change. This policy requires, amongst other things the off setting of emissions targets if not met on site, water usage targets, rainwater harvesting, grey water recycling, use of sustainable materials and practices on site, ultra-low and zero carbon combined heat and power systems and urban greening (green roofs and walls).
- 7.12.3 This policy is further supported by a suite of new climate change policies, CC1 through CC7 which cover a broad range of topics. However, it should be noted that Policies CC1 and CC2 require only major planning applications to provide an energy statement. Emerging policy GD2 'Design certification' strongly supports development proposals which demonstrate that they have been designed to achieve a rating of excellent or higher against the relevant BREEAM standard.
- 7.12.4 The Council's Design Guide SPD (2025) sets out additional requirements with respect to climate change. The guide states that all developments are required to make efforts to minimise energy usage and to incorporate methods of using renewable energy, including:-
- reducing energy demand
 - using passive environmental systems, e.g. natural ventilation
 - daylighting and passive solar gains
 - using high levels of insulation and air tightness in the fabric of the building
 - specifying energy efficient services, controls and appliances
 - implementing water recycling and the provision of water butts
 - using renewable energy
 - using low/zero carbon technologies to provide as much of the energy load as is technically and economically feasible, minimising use of fossil fuels; and
 - using efficient fossil fuel technologies, such as Combined Heat and Power and condensing boilers.

- 7.12.5 This application does not propose any changes to the approved energy and sustainability strategy set out within the Reserved Matters Planning Permission. The scheme would continue to comply with all measures and commitments previously approved, including those relating to energy efficiency, carbon reduction, sustainable design and construction and climate resilience. The development would have an energy efficient fabric and building services design with the use of Air Source Heat Pumps (ASHP) for heating and cooling for the commercial units and community space and to meet the domestic hot water (DHW) demand for the flats.
- 7.12.6 All approved strategies and technical assessments remain valid and would be fully implemented in accordance with the original Reserved Matters approval. The proposed amendments would have no impact on the scheme's ability to meet relevant national and local planning policy requirements in respect of energy and sustainability. Given the above, and subject to the same conditions as previously secured to address adaptation to climate change, the development would continue to comply with the requirements of the existing policy FP1, with the emerging policies carrying moderate weight.

7.13 Other Matters

Community Infrastructure Levy

- 7.13.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule on 1 April 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floor space of a development, in line with the rates shown in the table below.

Development Type	CIL Rate (£ per square metre)	
	Zone 1: Stevenage Central, Stevenage West Urban Extension and North of Stevenage Extension	Zone 2: Everywhere else
Residential		
Market housing	£40/m ²	£100/m ²
Sheltered housing	£100/m ²	
Extra care housing	£40/m ²	
Retail development	£60/m ²	
All other development	£0/m ²	

- 7.13.2 The 2014 outline planning permission pre-dated CIL. The 2021 Reserved Matters planning permission did not seek to increase the approved level of floorspace and therefore was not subject to any CIL liability. The proposal under consideration here also does not seek to increase the level of floorspace and continues to be exempt from CIL.

Fire and Safety

- 7.13.3 An updated Fire Statement prepared by Dama Engineering Consultants is submitted in support of this application. The Statement confirms that as Buildings B and E would each be six storeys and less than 18m in height, they would not qualify as higher risk buildings. As such, Blocks B and E would be overseen by a Registered Building Control Approver. Building A would be 20 storeys and Block F would be 10 storeys. Both qualify as higher risk buildings under the Building Safety Act.
- 7.13.4 The Fire Statement sets out specific recommendations to ensure appropriate levels of fire safety are embedded in the design from the outset. To that end, the Fire Statement describes the method of construction, package of fire protection measures, means of escape, firefighter access and provisions, and measures to mitigate external fire spread. To ensure the highest standards of fire safety are maintained throughout the lifetime of the development, the

principles outlined in the Fire Statement would form the basis of future construction contract and building management information.

- 7.13.5 To that end a further Fire Strategy would be produced, which would inform the design and guide construction. The Fire Strategy would be updated as the design and construction develop. The package of fire safety measures including the sprinkler protection, automatic fire detection and alarm system, passive fire protection measures, emergency power supplies, firefighters' lifts, and the evacuation lifts would be intrinsic to the design. Any modification of these provisions would be reviewed by a competent fire engineer in line with the Fire Strategy to ensure the underpinning fire safety principles are not compromised.
- 7.13.6 The provision of sufficient fire hydrants to serve the development is secured within the s106 legal agreement attached to the Outline Planning Permission. Existing hydrants close to the site were considered sufficient for Phase 1, however Herts Fire and Rescue Service are asking for new hydrants to be placed on site to serve Phase 2. The applicant is required by the legal agreement to submit a Water Scheme for Phase 2 and the discharging of the hydrants obligation will run parallel to this s73 application.

Human Rights and Equalities

- 7.13.7 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.13.8 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking. Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.13.9 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.13.10 In terms of inclusive access, the new buildings have been designed to be fully accessible and inclusive. All spaces would be accessible to all; the floors and thresholds would be level and there are lifts serving all floors. The routes into the buildings would be signed and demarcated appropriately using landscape treatments. There would be no abrupt changes in levels on the approach to the new proposed buildings. A policy compliant level of disabled parking is being provided.

8 CONCLUSION

- 8.1 This application is seeking to amend planning permission ref. 20/00643/RMM to enable changes to building heights and the internal configuration of Phase 2 of the approved development. Phase 1 has been completed and is now occupied. The balance of the site, to which this application relates, comprises the remaining 383 new homes to be delivered in Phase 2 within blocks A, B, E and F as build to rent units.
- 8.2 The development of Phase 2 of the former Matalan site as a mixed-use scheme with commercial and community uses at ground floor level with residential dwellings above would

support the wider redevelopment of the Town Centre, which is being most significantly progressed through the SG1 Masterplan. The development would make a significant contribution towards meeting the borough's overall housing need by delivering high quality homes in a sustainable town centre location, within generously landscaped amenity areas. The council's latest Housing Delivery Test score is below 75% and therefore the policies most relevant for determining the proposal are considered to be out of date and the 'tilted balance' as set out under paragraph 11(d) of the NPPF is engaged. The provision of good quality housing on a sustainable, town centre brownfield site at a time when housing delivery is constrained carries significant weight in favour of the application proposal.

- 8.3 The carefully sited buildings would allow for generous footways with substantial tree planting to provide a high-quality public realm, while the strategically located tower building would deliver a landmark to the town visible from road and rail. Although different in character to the mainly low-rise residential neighbourhoods surrounding the town centre, the proposal would provide an opportunity for a more sustainable lifestyle that is focused on walking and cycling which is supported by the close proximity to the train and bus stations as well as local shops and amenities.
- 8.4 It has been established that the revised scheme would cause no additional harm over and above the originally approved scheme in terms of heritage assets. The proposal would also help to address a structural imbalance in the existing housing stock by providing smaller residential units. Having regard to the above, the proposal is considered to accord with the development plan when read as a whole. In the absence of any other material considerations which indicate that permission should be refused, it is recommended that planning permission be granted.

9 RECOMMENDATION

- 9.1 That planning permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
A(91)E0-002; A(91)E0-003; A(91)E0-004; A(GA)E0-100; A(GA)E0-101; A(GA)E0-102; A(GA)E0-103; A(GA)E0-104; A(GA)E0-105; A(GA)E0-106; A(GA)E0-107; A(GA)E0-108; A(GA)E0-109; A(GA)E0-110; A(GA)E0-111; A(GA)E0-112; A(GA)E0-113; A(GA)E0-114; A(GA)E0-115; A(GA)E0-116; A(GA)E0-117; A(GA)E0-118; A(GA)E0-119; A(GA)E0-120; A(GA)E0-121; A(DET)E0-500; A(DET)E0-501; A(DET)E0-502; A(DET)E0-503; A(DET)E0-504; A(DET)E0-505; A(DET)E0-506; A(DET)E0-507; A(DET)E0-508; A(DET)E0-509; A(DET)E0-510; A(DET)E0-511; A(DET)E0-512; A(DET)E0-513; A(GA)E0-301; A(GA)E0-302; A(GA)E0-306; A(GA)E0-307; A(GA)E0-305; A(GA)E0-310; A(GA)E0-304; A(GA)E0-311; A(GA)E0-303; A(GA)E0-309; A(GA)E0-308; A(GA)E0-201; A(GA)E0-202 Section; A(GA)E0-203; A(GA)E0-400; A(GA)E0-402; A(GA)E0-401; A(GA)E0-403; A(DET)E0-600 and the following plans contained within the Transport Statement Rev B dated 20 October 2020: 20164-MA-XX-XX-DR-C-0010-P03; 20164-MA-XX-XX-DR-C-0014-P02; 20164-MA-XX-XX-DR-C-0015 -P01; 20164-MA-XX-XX-DR-C-0016-P01; 20164-MA-XX-XX-DR-C-0017-P01

REASON:- For the avoidance of doubt and in the interests of proper planning.

2. Before any above-groundwork is commenced on any phase or sub-phase of the development hereby permitted, samples of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
- i) Facing and roof materials
 - ii) Balcony treatment
 - iii) Window material details
 - iv) The boundary treatment
 - v) External rainwater goods where permitted

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON:- To ensure the development has an acceptable appearance in accordance with Policy.

3. Before any above-groundwork is commenced on any phase or sub-phase of the development hereby permitted, details of the following matters in respect of the outline permission and relating to each phase of development shall be submitted and approved in writing by the Local Planning Authority:

a) surfacing materials and b) green/brown roofs.

The development shall be carried out in accordance with the approved details.

REASON:- To ensure the development has an acceptable appearance.

4. Prior to occupation of each phase or sub-phase of development within the application site, details of any associated communal telecommunications infrastructure and plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details approved and maintained as such thereafter.

REASON:- To ensure satisfactory appearance and facilitate equitable access to telecommunications services.

5. Prior to occupation of each phase or sub-phase of development hereby permitted a detailed lighting scheme shall be undertaken and submitted to the Local Planning Authority for approval with details of all external lighting, including lighting required for pedestrian walkways, parking areas and security lighting and there shall be no external illumination erected, installed or operated on any part of the site other than in accordance with the approved details unless otherwise agreed in writing.

The following limits shall not be exceeded by the exterior light installations:

- Sky Glow ULR (Max%) 5.0
- Maximum light into windows Ev (lux) 07.00 to 23.00hrs 10 Lux; 23.00 to 07.00hrs 2 Lux
- Source intensity I 07.00 to 23.00hrs 10 kcd; 23.00hrs to 07.00hrs 1 kcd

Building luminance 07.00 to 23.00hrs Average L 10 (cd/m sq)

The approved scheme for each phase shall be implemented before any occupation of that phase of the development hereby permitted.

REASON:- To ensure that the development does not prejudice the amenities of adjoining and future occupiers, visual amenities of the area and to protect bats.

6. Prior to occupation of each phase or sub-phase of development within the application site the measures detailed in the Ecological Impact Assessment (Non-EIA) prepared by Ecology by Design dated October 2020 shall be fully implemented.

REASON:- To ensure that the development contributes to improving the ecology and biodiversity of the area.

7. Prior to above ground works for each phase or sub-phase of development, a strategy for the siting and maintenance of permanent nesting and roosting boxes within the façade and roof ledges of built structure and/or trees shall be submitted to and approved in writing by the Local Planning Authority. Nesting and roosting boxes shall be provided in accordance with the approved strategy prior to occupation of the relevant building.

REASON:- To ensure that the development contributes to improving the ecology and Biodiversity of the area.

8. Prior to the first occupation of each phase or sub-phase of the development hereby approved, a landscaping scheme including details of both hard and soft landscaping, street furniture and children's play for that relevant phase(s) shall be submitted to and approved in writing by the local planning authority. The scheme shall also include a schedule of all trees (including tree pit design), shrub, plants and other vegetation planting which shall form part of any landscaping scheme. The scheme as approved shall be implemented within the first available planting

season following the completion of each relevant phase(s) of development. Any trees, shrubs or plants that die within a period of five years from the completion of each relevant phase(s) of development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives written permission for any variation.

REASON:- To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the area.

9. Prior to occupation of each phase or sub-phase of the development hereby permitted, the measures detailed in the submitted Energy and Sustainability Statement to manage adaptability to climate change along with measures to manage overheating and cooling shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON:- To ensure the development is adaptable to climate change and to avoid overheating and minimising cooling demand.

10. Prior to the first occupation of any part of Phase 2 of the development hereby permitted, the vehicular access(es) and egresses shall be provided and thereafter retained at the position(s) shown on the approved plan(s) drawing numbers 20164-MA-XX-XX-DR-C-0016 Rev P01 and 20164-MA-XX-XX-DR-C-0017 Rev P01. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON:- To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

11. Prior to the first occupation of any part of Phase 2 of the development hereby permitted, visibility splay(s) measuring 2.4 x 43 metres shall be provided to each side of the access(es) where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

REASON:- To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

12. Prior to the first occupation of any part of Phase 2 of the development hereby permitted, the proposed access, onsite car and cycle parking, servicing / loading, unloading / turning / waiting area(s) pursuant to that phase shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan(s), and retained thereafter available for that specific use.

REASON:- To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

13. Prior to the first occupation of Phase 2 of the development hereby permitted, vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) within Phase 2 as shown on 'Construction Phasing Plan' on drawing number A(91)E0-004 only. Any other access(es) or egresses within Phase 2 as shown on 'Site Phasing with Existing' on drawing number MLUK-799-A-SK-080 R04 shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with the related S278 and S38 highways & Street Development Agreements with the Local Planning Authority and/or Highway Authority, concurrently with the bringing into use of the new access(es).

REASON:- To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

14. Prior to the occupation of any part of Phase 2 of the development hereby permitted, the details of the siting, type and specification of EVCPs, the energy sources and the strategy/management plan for supply and maintenance of the EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of any of the units in Phase 2 and permanently maintained and retained thereafter.
REASON:- To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).
15. Prior to the first occupation of each phase or sub-phase of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.
REASON:- To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).
16. No part of Phase 2 shall be occupied until a detailed scheme for the offsite highway improvement works to facilitate a pedestrian crossing from the site frontage on Danesgate into the new bus interchange as indicated on drawing number 20164-MA-XX-XX-DR-C-0017 Rev P01 have been submitted to and approved in writing by the Local Planning Authority. No development in Phase 2 shall be occupied until the detailed scheme has been implemented.
REASON:- To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).
17. The proposed new highway boundary(ies) or areas of public highway/realm under control of Stevenage Borough Council shall be marked out on site prior to commencement of construction of any part of the development fronting the highway.
REASON:- To prevent unauthorised structures being erected within the highway boundary.
18. The proposed new highway boundary(ies) to facilitate a new public footway and cycleway on land fronting Lytton Way/Danesgate as illustrated on drawing number 20164-MA-XXXX-DR-C-0014 Rev P02 HIGHWAYS AMENDMENTS PROPOSED WORKS AND ORDERS DRAFT shall be marked out on site prior to commencement of construction of Phase 2. No part of Phase 2 of the development shall be occupied until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place and approval under a Street Development Agreement with the Council.

The new footway and cycleway on land fronting Lytton Way/Danesgate shall be implemented prior to any occupation of Phase 2 of the development hereby permitted.
REASON:- To prevent unauthorised structures being erected within the highway boundary.
19. Prior to the first occupation of each phase or sub-phase of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards (permit fire tender access), set back, and thereafter retained a minimum distance of 6 metres from the edge of the highway.
REASON:- To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).
20. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Conisbee reference MTL-

CON-xx-xx-RP-C-000001 Version 3 dated 26 October 2020, the Designers Response to LLFA SuDS Review reference 200523/A Prais Version 1 dated 15 January 2021 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 17.5 l/s during the 1 in 100 year event plus 30% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 255 m³ (or such storage volume agreed with the LLFA) of total storage volume in detention basins, rain gardens and attenuation tanks.
3. Discharge of surface water from the private drain into the Thames Water sewer network.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON:- To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

21. No development on any part of phase 2 (other than demolition and/or site enabling works) shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles shall be submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. Final, fully detailed drainage layout including detailed engineered drawings of the proposed SuDS features with cross section drawings, their size, volume, depth and any inlet and outlet features including all connecting pipe runs.
2. Final, detailed post-development network calculations including half drain down times up to and including the 1 in 100 year + 30% climate change event. Please note that the main site network to be modelled separately to the Highways network.
3. Evidence that any consequential flood risk to the highway up to the 1 in 100 year + climate change event can be managed without increasing flood risk to adjacent properties. If there is to be flooding, it should be managed effectively with third party agreement.

Upon completion of the drainage works for Phase 2 and in accordance with the timing/phasing arrangement, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of a complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

REASON:- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

22. Prior to the first occupation of each phase or sub-phase of the development hereby permitted, a Delivery and Servicing Plan shall be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

REASON:- To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

23. Prior to the first occupation of each phase or sub-phase of the development hereby permitted, details of the proposed noise mitigation measures to be implemented within that phase shall

be submitted for approval to the Local Planning Authority. The noise mitigation measures shall be based upon "Stage 3+ Environmental & Intrusive Noise Assessment Report" reference L486460-SOL-XX-XX-RPT-Y-0001 P02 dated 3 November 2023 by Sol Acoustics, or any other such report that is approved in writing by the Local Planning Authority. Following approval, the measures shall be maintained thereafter.

REASON:- To protect the residential amenities of future residents.

24. At the nearest noise sensitive premises, the cumulative noise levels from the operation of all new plant shall comply with the plant noise limits specified in Table 5 of "Former Matalan Site, Stevenage - Plant Noise Emission Limit Variation" Report reference L486460-SOL-XX-XX-RPT-Y-0008 P01 dated 27 March 2024 by Sol Acoustics Ltd.

REASON:- To protect the residential amenity of existing and future residents.

25. Before the use of the buildings for *Sui Generis* (former Use Class A4 or A5) purposes is commenced, a scheme of sound attenuation works shall be submitted to the Local Planning Authority for written approval, installed and thereafter retained. The scheme of works shall be capable of restricting noise breakout from the *Sui Generis* (former Use Class A4 or A5) uses to the flat above to levels complying with the following:

Bedrooms. Noise Rating Curve NR20 (2300 to 0700 hrs)

Living Rooms. Noise Rating Curve NR25 (0700 to 2300 hrs)

Noise Rating Curve shall be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 Hz to 8 kHz.

REASON:- To protect the residential amenity of future residents.

26. Deliveries and servicing by commercial vehicles shall only be made to or from the commercial premises between 0700 to 1800 hrs on any day, and at no other time without the prior agreement in writing of the Local Planning Authority.

REASON:- To protect the amenities of existing and future residents.

27. The *Sui Generis* (formerly A4 and A5) uses hereby permitted shall only operate Monday to Saturday 10.00hrs to 23.00hrs and 10.00hrs to 22.00hrs on Sundays and Bank Holidays.

REASON:- to protect the residential amenity of existing and future residents.

28. Prior to occupation of any *Sui Generis* uses (former A4 or A5 class), details of the kitchen extract ventilation scheme to be used by those uses shall be submitted to the Local Planning Authority for approval. The extract ventilation system shall incorporate a three-stage carbon filtration or similar system based on current standards. Following approval and installation, the system shall thereafter be permanently maintained and retained in use.

REASON:- to protect the residential amenity of existing and future residents.

29. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of each phase of development or the completion of the development whichever is the sooner.

REASON:- To ensure a satisfactory appearance for the development.

30. All hard surfacing comprised in the approved details of landscaping shall be carried out within 3 months of the first occupation of each phase of the development or the completion of the development, whichever is the sooner.

REASON:- To ensure a satisfactory appearance for the development.

31. Notwithstanding the requirements of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that order) the non-residential units hereby permitted shall be used only for ancillary resident amenity, Use Classes E and/or *Sui Generis* (formerly A4 & A5) of the schedule to the Town and Country Planning (Use Classes) Order 1987 and for no other purposes (including the creation of

dwelling within Use Class C3 – Residential), unless agreed in writing or approved by way of separate planning permission.

REASON:- To ensure the retention of active frontage, appropriate infrastructure is retained to support the residential community and because highway and other impacts have been assessed on the basis of the above uses.

32. No dwelling hereby permitted in any part of phase 2 shall be occupied until the parking spaces shown on the approved plans have been constructed, hard surfaced and made ready for use. The parking facilities shall be retained in that form and thereafter be used only for the parking of vehicles. In addition, the applicant shall use best endeavours to encourage the use of a Car Club by future residents.

REASON:- To ensure that adequate parking and servicing facilities are available within the site and that there is no detriment to the safety of adjoining highways.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

INFORMATIVES

HCC as Highway Authority recommends inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

1. **Storage of materials:** The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-developmentmanagement.aspx>.
2. **Obstruction of public highway land:** It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloperinformation/developmentmanagement/highwaysdevelopmentmanagement.aspx>.
3. **Road Deposits:** It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-developmentmanagement.aspx>.

4. **Construction standards for works within the highway:** The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-developmentmanagement.aspx>.
5. **Estate Road Adoption:** The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roadsand-pavements/business-anddeveloper-information/development-management/highwaysdevelopmentmanagement.aspx>.
6. **Flooding**
For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage:
<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surfacewater-drainage/surface-water-drainage.aspx>
7. **Building Regulations**
To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at building.control@hertfordshirebc.co.uk or phoning us on 01438 879990.

To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/>. Payment can be made online or by phoning the above number after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990.

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd., 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX. Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but, in most instances, these are usually:

- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation
- Drains (when laid or tested)
- Floor and Roof construction

Work relating to fire safety
Work affecting access and facilities for disabled people
Completion

Please phone Hertfordshire Building Control on 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

8. **Party Wall etc. Act 1996**

Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Stevenage Borough Council's nor Hertfordshire Building Control Ltd's remit to control or enforce Party Wall Act matters. Please refer to the Government's explanatory booklet The Party Wall Act 1996, a copy of which is available online at <https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revisedexplanatory-booklet>.

9. Applications where Biodiversity Net Gain is not required as s.73 application (Excluding Section 73A - planning permission for development already carried out) - Made / Approved before 12 February 2024

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

- 1. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and:
 - a) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - b) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The Stevenage Local Plan 2011-2031.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision SPD (2025); Developer Contributions SPD (2025); Design Guide SPD (2025).
4. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
5. Central Government advice contained in the National Planning Policy Framework 2024 and the National Planning Practice Guidance.
6. Responses to consultations with statutory undertakers and other interested parties referred to in this report.